

## TARGHEE NATIONAL FOREST LAND EXCHANGE

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FEBRUARY 27, 1995.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

### REPORT

[To accompany H.R. 529]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 529) to authorize the exchange of National Forest System lands in the Targhee National Forest in Idaho for non-Federal lands within the forest in Wyoming, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. AUTHORIZATION OF EXCHANGE.

(a) CONVEYANCE.—Notwithstanding the requirements in the Act entitled “An Act to Consolidate National Forest Lands”, approved March 20, 1922 (16 U.S.C. 485), and section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) that Federal and non-Federal lands exchanged for each other must be located within the same State, the Secretary of Agriculture may convey the Federal lands described in section 2(a) in exchange for the non-Federal lands described in section 2(b) in accordance with the provisions of this Act.

(b) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Except as otherwise provided in this Act, the land exchange authorized by this section shall be made under the existing authorities of the Secretary.

(c) ACCEPTABILITY OF TITLE AND MANNER OF CONVEYANCE.—The Secretary shall not carry out the exchange described in subsection (a) unless the title to the non-Federal lands to be conveyed to the United States, and the form and procedures of conveyance, are acceptable to the Secretary.

#### SEC. 2. DESCRIPTION OF LANDS TO BE EXCHANGED.

(a) FEDERAL LANDS.—The Federal lands referred to in this Act are located in the Targhee National Forest in Idaho, are generally depicted on the map entitled “Targhee Exchange, Idaho-Wyoming—Proposed, Federal Land”, dated September 1994, and are known as the North Fork Tract.

(b) NON-FEDERAL LANDS.—The non-Federal lands referred to in this Act are located in the Targhee National Forest in Wyoming, are generally depicted on the map entitled “Non-Federal Land, Targhee Exchange, Idaho-Wyoming—Proposed”, dated September 1994, and are known as the Squirrel Meadows Tract.

(c) MAPS.—The maps referred to in subsections (a) and (b) shall be on file and available for inspection in the office of the Targhee National Forest in Idaho and in the office of the Chief of the Forest Service.

### SEC. 3. EQUALIZATION OF VALUES.

Prior to the exchange authorized by section 1, the values of the Federal and non-Federal lands to be so exchanged shall be established by appraisals of fair market value that shall be subject to approval by the Secretary. The values either shall be equal or shall be equalized using the following methods:

#### (1) ADJUSTMENT OF LANDS.—

(A) PORTION OF FEDERAL LANDS.—If the Federal lands are greater in value than the non-Federal lands, the Secretary shall reduce the acreage of the Federal lands until the values of the Federal lands closely approximate the values of the non-Federal lands.

(B) ADDITIONAL FEDERALLY-OWNED LANDS.—If the non-Federal lands are greater in value than the Federal lands, the Secretary may convey additional federally owned lands within the Targhee National Forest up to an amount necessary to equalize the values of the non-Federal lands and the lands to be transferred out of Federal ownership. However, such additional federally owned lands shall be limited to those meeting the criteria for land exchanges specified in the Targhee National Forest Land and Resource Management Plan.

(2) PAYMENT OF MONEY.—The values may be equalized by the payment of money as provided in section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

### SEC. 4. DEFINITIONS.

For purposes of this Act:

- (1) The term “Federal lands” means the Federal lands described in section 2(a).
- (2) The term “non-Federal lands” means the non-Federal lands described in section 2(b).
- (3) The term “Secretary” means the Secretary of Agriculture.

### PURPOSE OF THE BILL

The purpose of H.R. 529 is to authorize the Secretary of Agriculture to exchange approximately 95 acres of privately held land in Wyoming within the Targhee National Forest for Forest Service lands in Idaho within the Targhee National Forest.

### BACKGROUND AND NEED FOR LEGISLATION

The Forest Service has identified privately-held lands known as Squirrel Meadows within the Targhee National Forest for acquisition. These lands are prime grizzly bear habitat and lie near the Jedidiah Smith Wilderness in Wyoming. The lands to be acquired by the private owner of Squirrel Meadows are those identified as the North Fork Tract in Idaho. Legislation is necessary because the Forest Service does not have the authority to exchange lands across State borders. H.R. 529 requires an equal value exchange and the amounts may be equalized through acreage adjustments, additional Federally-owned lands or the payment of money under 43 U.S.C. 1716(b). Although this exchange will not acquire all of the privately-held lands in Squirrel Meadows, the Committee expects and the Forest Service intends to pursue acquisition of the remaining inholdings.

## COMMITTEE ACTION

H.R. 529 was introduced on January 17, 1995, by Mr. Crapo of Idaho. The bill was referred to the Committee on Resources and within the Committee, to the Subcommittee on National Parks, Forests and Lands. The Subcommittee on National Parks, Forests and Lands held a hearing on January 24, 1995, where testimony was received from the U.S. Forest Service. On January 26, 1995, the Subcommittee met to consider H.R. 529. At that markup, Mr. Hansen offered an amendment to strike section 4 of the bill which required the Secretary of Agriculture to acquire additional inholdings in Squirrel Meadows, thus duplicating the existing management plan for the Targhee National Forest. The amendment was adopted by voice vote, and the bill as amended was ordered reported to the Committee on Resources. On February 15, 1995, the Committee on Resources met in markup session to consider H.R. 529. At that markup, Mr. Hansen offered an amendment to the bill which clarified that lands available for exchange to equalize the exchange value of the lands involved must meet the criteria set forth in the Targhee National Forest Land Management Plan. The amendment was adopted by voice vote, and the bill, as amended, was ordered reported to the House of Representatives by voice vote, a quorum being present.

## SECTION-BY-SECTION ANALYSIS

*Section 1. Authorization of exchange*

Notwithstanding certain acts controlling the exchange of Forest Service lands, the Secretary of Agriculture is authorized to conduct this interstate exchange of Federal Forest Service lands for non-Federal lands. The exchange must be conducted according to other provisions of law and must be acceptable to the Secretary.

*Section 2. Description of lands to be exchanged*

The identified Federal lands are those located in the Targhee National Forest in Idaho. The identified non-Federal lands are known as the Squirrel Meadows Tract in Wyoming.

*Section 3. Equalization of values*

Prior to the exchange, the lands shall be appraised at fair market and subject to approval of the Secretary. The values must be equal or must be equalized through increasing or decreasing the size of the Federal lands to be exchanged or the equalization may occur through the payment of money as provided in the Federal Land Policy and Management Act.

*Section 4. Definitions*

This section defines the terms "Federal lands", "non-Federal", and "Secretary".

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(l)(3) of Rule XI of the Rules of the House of Representatives and clause 2(b)(1) of Rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

## INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of Rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 529 will have no significant inflationary impact on prices and costs in the operation of the national economy.

## COST OF THE LEGISLATION

Clause 7(a) of Rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 529. However, clause 7(d) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

## COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirements of clause 2(l)(3)(A) of Rule XI of the Rules of the House of Representatives, the Subcommittee on National Parks, Forests and Lands held a hearing on January 24, 1995, and received testimony from the Department of Agriculture regarding H.R. 529. The oversight findings and recommendations of the Committee are reflected in this report.

2. With respect to the requirement of clause 2(l)(3)(D) of Rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 529.

3. With respect to the requirement of clause 2(l)(3)(C) of Rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 529 from the Director of the Congressional Budget Office.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, February 23, 1995.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources, U.S. House of Representatives,*  
*Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 529, a bill to authorize the exchange of National Forest System lands in the Targhee National Forest in Idaho for non-Federal lands within the forest in Wyoming, as ordered reported by the House Committee on Resources on February 15, 1995. We estimate that enacting this bill would not significantly increase costs to the federal government and would not directly affect the budgets of state or local governments. Because enactment of this bill would affect offsetting receipts, pay-as-you-go procedures would apply to the bill. Any such direct spending impacts would be negligible.

H.R. 529 would provide an exception to current law that prohibits federal land management agencies from conducting interstate land exchanges. The bill would allow the Forest Service (FS) to exchange about 45 acres of federal land in Idaho for about 95 acres of private land within the boundaries of the Targhee National Forest in Wyoming. The exchange would be subject to land appraisals, and all lands exchanged would have to be of approximately equal value. (Consistent with current law, small cash payments would be allowed to equalize these values.)

Based on information from the FS, we estimate that appraisals and the exchange itself can be completed at no significant additional cost to the federal government. It is possible that equalization payments would be made as part of the exchange, but any such payments are likely to be very small, and would be subject to appropriation. Because the land the FS would give up in the exchange currently generates about \$20,000 annually in rental income, enacting H.R. 529 would result in a loss of offsetting receipts. If, the private party involved makes a cash equalization payment as part of the exchange, such income would count as offsetting receipts. We expect that the net effect of the bill on receipts would be very small.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Theresa Gullo, who can be reached at 226-2860.

Sincerely,

JAMES L. BLUM,  
(For Robert D. Reischauer, *Director*).

#### CHANGES IN EXISTING LAW

If enacted, H.R. 529 would make no changes in existing law.

#### DEPARTMENTAL REPORTS

The Committee has received no departmental reports on H.R. 529.